

EXHIBIT “B”

IN THE STATE COURT OF GWINNETT COUNTY

STATE OF GEORGIA

BRIEA SIMMONS,

Plaintiff,

v.

DOLLAR TREE STORES, INC.,

Defendant.

Civil Action

File No.: 23-C-03407-S7

DOLLAR TREE DEFENSES AND ANSWER

COMES NOW, Dollar Tree Stores, Inc., named Defendant in the above-styled action, and files the following Defenses and Answer to Plaintiff's Complaint and shows the Court as follows:

FIRST DEFENSE

Plaintiff's Complaint fails to state a claim upon which relief may be granted.

SECOND DEFENSE

Defendant, Dollar Tree, responds to the individual paragraphs of Plaintiff's Complaint as follows:

1.

Dollar Tree is without knowledge or information sufficient to form a belief as to the truth of the averments contained in paragraph 1 of Plaintiff's Complaint and, therefore, cannot admit or deny same.

2.

Dollar Tree admits it has a principal place of business at 500 Volvo Parkway, Chesapeake, VA 23320. Dollar Tree also admits it may be served with process through its registered agent, Corporation Service Company, 2 Sun Court, Suite 400, Peachtree

Corners, Georgia 30092. Dollar Tree denies any remaining allegations contained in Paragraph 2 of Plaintiff's Complaint.

3.

Dollar Tree admits that it operated a Dollar Tree store at 11180 Highway 142 Covington, Georgia on May 25, 2021. Defendant denies the remaining allegations contained in paragraph 3 of Plaintiff's Complaint.

4.

Dollar Tree denies, as pled, the allegations contained in paragraph 4 of Plaintiff's Complaint.

5.

Dollar Tree denies as pled the allegations contained in paragraph 5 of Plaintiff's Complaint.

6.

Dollar Tree denies the allegations contained in paragraph 6 of Plaintiff's Complaint.

7.

Dollar Tree denies as pled the allegations contained in paragraph 7 of Plaintiff's Complaint.

8.

Dollar Tree denies as pled the allegations contained in paragraph 8 of Plaintiff's Complaint.

9.

Dollar Tree is without knowledge or information sufficient to form a belief as to the truth of the averments contained in paragraph 9 of Plaintiff's Complaint and, therefore, cannot admit or deny same.

10.

Dollar Tree denies as pled the allegations contained in paragraph 10 of Plaintiff's Complaint.

11.

Dollar Tree denies as pled the allegations contained in Paragraph 11 of the Complaint.

12.

Dollar Tree denies the allegations contained in paragraph 12 of Plaintiff's Complaint.

13.

Dollar Tree denies the allegations contained in paragraph 13 of Plaintiff's Complaint.

14.

Dollar Tree denies the allegations contained in paragraph 14 of Plaintiff's Complaint.

15.

Dollar Tree denies the allegations contained in paragraph 15 of Plaintiff's Complaint.

16.

Dollar Tree denies the allegations contained in paragraph 16 of Plaintiff's Complaint.

17.

Dollar Tree denies that Plaintiff is entitled to any relief requested in the "Wherefore" clause of Plaintiff's Complaint. Any allegation in Plaintiff's Complaint not answered or otherwise responded to is hereby denied.

THIRD DEFENSE

Defendant is not liable to Plaintiff because Defendant breached no duty owed to Plaintiff in regard to the occurrence giving rise to this Complaint.

FOURTH DEFENSE

Defendant shows that the alleged damages of Plaintiff, if any, were caused by the contributory and comparative negligence of Plaintiff.

FIFTH DEFENSE

Plaintiff, by the exercise of ordinary care, could have avoided the consequences of any act or failure to act of Defendant.

SIXTH DEFENSE

The Plaintiff's failure to properly plead items of special damages sought in this action prohibits and/or bars Plaintiff's rights to recover and/or recoup any items of special damages in this action, as a matter of law. O.C.G.A. § 9-11-9(g).

SEVENTH DEFENSE

The claims of Plaintiff are barred by the Georgia doctrine of assumption of risk.

EIGHTH DEFENSE

Plaintiff's injuries, if any, were caused by an unforeseeable intervening third party tortfeasor and/or the acts and failure to act of persons or entities other than Defendant.

NINTH DEFENSE

The Complaint is barred by the applicable statutes of limitation.

TENTH DEFENSE

In the event that any benefits have been paid by or on behalf of Defendant, Defendant is entitled to a set off against any verdict for the amount of benefits paid. See, Orndorff v. Brown, 197 Ga. App. 591 (1990).

DEMAND FOR JURY TRIAL BY TWELVE (12)

Defendant, demands that the above-captioned case be tried by a jury of twelve, pursuant to O.C.G.A. § 15-22-122.

WHEREFORE, having fully answered, Defendant prays that the Complaint be dismissed with costs of this action cast against the Plaintiff.

This 15th day of June, 2023.

Goodman McGuffey LLP
Attorneys for Dollar Tree Stores, Inc.

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DEFENDANT DEMANDS
TRIAL BY JURY OF TWELVE

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CERTIFICATE OF SERVICE

This is to certify that I have this day served all counsel and parties of record with a copy of DEFENSES AND ANSWER OF DOLLAR TREE STORES, INC., by statutory electronic service pursuant to O.C.G.A. § 9-11-5(b) or by depositing a copy of same in the United States Mail, postage prepaid, as follows:

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This 15th day of June, 2023.

By: /s/James T. Hankins, III

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